

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEITH L. NASH,

Plaintiff,

v.

DOUG WADDINGTON, *et al.*,

Defendants.

Case No. C04-5161FDB

ORDER LIFTING STAY AND
DIRECTING ISSUANCE OF
SUBPOENAS

This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Plaintiff has been granted *in forma pauperis* status. (Dkt. # 3). Before the court is plaintiff's motion to lift the stay (Dkt. # 165) ordered by this court pending plaintiff's appeal of the summary judgment order dismissing Defendant Doug Waddington. The Ninth Circuit has dismissed plaintiff's appeal because it was not a final judgment and there is no longer any impediment or objection to lifting the stay and proceeding with this matter.

Also before the court is plaintiff's request for the issuance of subpoenas for various witnesses. Defendant objects to the issuance of a subpoena for Aileen Miller, a former Assistant Attorney General and former counsel to Defendant Waddington. Defendant argues that plaintiff has failed to indicate what testimony he seeks to illicit from Ms. Miller and that most of Ms. Miller's

1 testimony would, in any event, be protected by the attorney-client privilege.

2 While the attorney-client privilege may certainly be a proper objection to certain discovery
3 questions, the court is not persuaded that the privilege may be used as a blanket refusal to any
4 discovery.

5 ACCORDINGLY, plaintiff's motion to lift the stay (Dkt. # 165) is **GRANTED**. Plaintiff's
6 motion to re-note his motion for an order to issue a subpoena to Defendant Tiapula is **DENIED AS**
7 **MOOT**. Plaintiff may simply note the deposition of a party witness pursuant to the requirements of
8 Fed. R. Civ. P. 30(b).

9 The clerk is directed to send a copy of this order to plaintiff and counsel for defendant. The
10 clerk is further directed to issue subpoenas for the depositions of D. Van Ogle, Lynne Delano, Roy
11 Gonzalez, and Aileen Miller.

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13 DATED this 4th day of May, 2006.

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17 Karen L. Strombom
18 United States Magistrate Judge
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